

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
PAPPAMAL WELLINGTON KURIAN)
)
Licensee of Industrial/Business Pool Station)
WPYC727, Fort Worth, Texas)

ORDER PROPOSING MODIFICATION

Adopted: July 31, 2007

Released: August 1, 2007

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* By this *Order Proposing Modification*, we initiate a proceeding to modify the license of Pappamal Wellington Kurian (Kurian) for Industrial/Business Pool Station WPYC727, Fort Worth, Texas. Specifically, we propose to replace its authorized frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz.

2. *Background.* In 1997, the Commission directed the certified frequency coordinators for the private land mobile radio services to reach a consensus on the applicable coordination procedures for the 12.5 kHz “offset” channels in the 470-512 MHz band.¹ That consensus is embodied in the Land Mobile Communications Council (LMCC) procedures for evaluating adjacent channel interference in the 470-512 MHz band using the interference criteria of TIA/EIA/TSB-88² (TSB-88).³ The LMCC Consensus provides that an application shall not be certified if an incumbent or the applicant has unacceptable interference of more than five percent reduction of the calculated service area reliability.⁴

3. The license for Station WPYC727 authorizes operation on frequency pair 483/486.575 MHz. The application was coordinated by the Personal Communications Industry Association (PCIA)⁵ on May 2, 2003, and granted on May 5, 2003.⁶ On September 23, 2004, Net Wave Communications LLC

¹ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd 14307, 14330-31 ¶ 43 (1997).

² See Telecommunications Industry Association/Electronics Industry Association Telecommunications Systems Bulletin 88 (TIA/EIA/TSB-88), *Wireline Communications System – Performance in Noise and Interference-Limited Situations - Recommended Methods for Technology-Independent Modeling, Simulation, and Verification* (January 1998).

³ See Filing Freeze to be Lifted for Applications Under Part 90 for 12.5 kHz Offset Channels in the 421-430 and 470-512 MHz Bands, *Public Notice*, 13 FCC Rcd 5942, 5942 (WTB 1997) (citing Letter from Larry A. Miller, President, LMCC, to Daniel B. Phythyon, Esq., Acting Chief, Wireless Telecommunications Bureau (Sept. 10, 1997) (LMCC Consensus)).

⁴ See LMCC Consensus, Attachment at 2. The LMCC later confirmed this position. See Letter dated Oct. 13, 2003 from Larry A. Miller, President, LMCC to D’Wana Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

⁵ PCIA Frequency Coordination No. PC20030630003.

⁶ See FCC File No. 0001298249 (filed May 4, 2003). The license was initially granted to Aftab Umar, *see id.*, who subsequently assigned it to Samuel Moses PR, *see* FCC File No. 0001892069 (filed Oct. 5, 2004), who subsequently assigned it to Kurian, *see* FCC File No. 0002292286 (filed Aug. 26, 2005).

(Net Wave) asked that the license for Station WPYC727 be revoked on the grounds that the coordination was defective because Net Wave's Station WPXR837, Rhome, Texas, operating on adjacent channel 483/486.5625 MHz was suffering more than five percent signal degradation.⁷

4. After staff engineers of the Wireless Telecommunications Bureau's former Public Safety and Critical Infrastructure Division (PSCID)⁸ conducted an independent analysis and determined that Station WPYC727 creates over seven percent new interference to Station WPXR837, PSCID directed PCIA to indicate whether an alternative frequency was available for Station WPYC727, and asked if the licensee would be willing to modify the license in accordance with PCIA's recommendation.⁹ On March 1, 2007, PCIA recommended frequency pair 483/486.150 MHz as a replacement channel.¹⁰ This frequency pair satisfies the interference criteria of TSB-88 with respect to adjacent channel licenses.¹¹ Kurian has not responded to PCIA's recommendation.

5. *Discussion.* We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.¹² Section 316(a)(1) permits the Commission to modify a station license if the action will promote public interest, convenience, and necessity.¹³ In this connection, we note that modifying the license for Station WPYC727 will serve the public interest by eliminating harmful interference to Station WPXR837.

6. Consequently, we propose to modify Kurian's license for Station WPYC727 to replace frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz. In accordance with Section 1.87(a) of the Commission's Rules,¹⁴ we will not issue a modification order until Kurian has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Kurian must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be mailed to the Office of the Secretary, Federal Communications Commission, 445 Twelfth

⁷ Letter dated September 23, 2004 from Lynn Beagles, President, Net Wave Communications, LLP to Michael Wilhelm, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

⁸ Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. See Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

⁹ See Letter dated November 22, 2005, from Scot Stone, Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau to Don Andrew, Personal Communications Industry Association.

¹⁰ See Letter dated March 1, 2007, from Don Andrew, Manager, PCIA Frequency Coordination Services to Melvin Spann, Federal Communications Commission, WTB, Public Safety and Critical Infrastructure Division. PCIA initially responded only that it was "prepared to file an FCC Form 601 application along with an attachment containing the required letters of consent to modify WPYC727," without identifying a potential replacement channel. See Letter dated December 19, 2005, from Don Andrew, Manager, PCIA Frequency Coordination Services to Melvin Spann, Federal Communications Commission, WTB, Public Safety and Critical Infrastructure Division. The Wireless Telecommunications Bureau's Mobility Division then sent a follow-up letter to PCIA directing it to provide an alternative technical solution. See Letter dated January 31, 2007, from Scot Stone, Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau to Don Andrew, Personal Communications Industry Association.

¹¹ The channel does not satisfy the interference criteria of TSB-88 with respect to Station WPTS208, Plano, Texas, but that station is also licensed to Kurian.

¹² 47 U.S.C. § 316(a)(1).

¹³ *Id.*

¹⁴ 47 C.F.R. § 1.87(a).

Street, S.W., Washington, DC 20554, Attn: Melvin Spann.¹⁵ If no protest is filed, Kurian will have waived her right to protest the modification and will be deemed to have consented to the modification.

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Private Land Mobile Radio Service Station WPYC727, Fort Worth, Texas, held by Pappamal Wellington Kurian, BE MODIFIED by replacing frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz.

8. IT IS FURTHER ORDERED that this *Order Proposing Modification* SHALL BE SENT by certified mail, return receipt requested, to Pappamal Wellington Kurian at the following addresses: 3705 Misty Fall St., Las Vegas, NV 89129, and 10345 Dunster Castle Dr., Las Vegas, NV 89135.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹⁵ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).